

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SANDRA GLOWACKI, on behalf of her
minor children, D.K.G and D.C.G.,

Plaintiffs,

CASE NO. 11-cv-154891

vs

HOWELL PUBLIC SCHOOL DISTRICT,
JOHNSON "JAY" MCDOWELL, individually
and in his official capacity as a teacher
in the Howell Public School District,

Defendants.

The Deposition of DRAKE GLOWACKI, taken before me,
Jennifer Wall, CSR-4183, a Notary Public within and for the
County of Oakland, Acting in Washtenaw, State of Michigan, at
24 Frank Lloyd Wright Drive, Ann Arbor, Michigan on Wednesday,
September 19th, 2012.

APPEARANCES:

ERIN ELIZABETH MERSINO, ESQ.

The Thomas More Law Center

24 Frank Lloyd Wright Drive

Ann Arbor, Michigan 48106

(734) 827-2001

Appearing on behalf of Plaintiff.

Ann Arbor, Michigan

Wednesday, September 19, 2012

4:05 p.m.

DRAKE GLOWACKI

was thereupon called as a witness herein, and after having been
first duly sworn to tell the truth, the whole truth and nothing
but the truth, was examined and testified as follows:

EXAMINATION

BY MS. BARTOS:

Q. Please state your name for the record.

A. Drake Glowacki.

Q. And Drake, who are you living with?

A. My mother and my dad.

Q. And does your brother Daniel live with you, too?

A. Yes, and my sister.

Q. And how old are you?

A. Sixteen.

Q. What's your birthday?

A. March 15, 1996.

Q. You over at Howell High School?

A. Can you repeat that.

Q. Are you attending Howell High School?

A. Yes.

Q. What grade are you in?

APPEARANCES, CONTINUING:

SUZANNE P. BARTOS, ESQ.

Plunkett Cooney

535 Griswold, Suite 2400

Detroit, Michigan 48226

(313) 983-4741

Appearing on behalf of Defendant McDowell.

ROY H. HENLEY, ESQ.

Thrun Law Firm, PC

2900 West Road, Suite 400

East Lansing, Michigan 48826

(517) 484-8000

Appearing on behalf of Howell Public Schools.

ALSO PRESENT: Sandra Glowacki

Daniel Glowacki

Cassandra Harmon-Higgins

Johnson "Jay" McDowell

WITNESS INDEX

Witness	Examined by	Page
DRAKE GLOWACKI	Ms. Bartos	3

Mr. Henley 10

EXHIBIT INDEX

Exhibit No.	Description	Page
	(None marked)	

* * * * *

A. I am in eleventh.

Q. When did you first hear about the incident with your brother
being kicked out of econ class?

A. I think it was either the day of or the day after it
happened.

Q. Who did you hear it from?

A. My mother.

Q. Did you ever talk with your brother about it?

A. Yes.

Q. What did you talk about? Did he ever tell you what
happened?

A. Yes.

Q. What did he tell you?

A. He told me the story of what happened in the classroom and
that he had -- how he had to go down to Dr. Sharp's office.

Q. Have you spoken with any of your friends regarding this
incident?

A. I have had people ask me about it. I just told them, like a
summary of what happened.

Q. And those people that have asked you about it, have they
been your friends?

A. Yes.

Q. Do you remember how many have asked you?

A. No.

Q. Have you, yourself, spoken with any media about this?

Page 5

1 A. No.
 2 Q. Has any media contacted you?
 3 A. No.
 4 Q. Did you -- was this incident part of the conversation of any
 5 of your teachers at school?
 6 A. I have heard a teacher like talking about it, but no one has
 7 like said anything to me about it.
 8 Q. You were over at the ninth grade campus when this happened,
 9 right?
 10 A. Yes.
 11 Q. That's a totally different building, right?
 12 A. Yes.
 13 Q. You attended an anti-bullying session?
 14 A. Yes.
 15 Q. Did you attend it when your brother would have attended?
 16 A. I don't think it was the same day, but it might have been
 17 like the day after or something.
 18 Q. And when you attended your session, did your brother's name
 19 come up?
 20 A. I don't remember hearing his name, but I know they talked
 21 about it, like the incident that happened.
 22 Q. What did they say?
 23 A. About how Howell has had some issues with bullying lately
 24 with teachers and students.
 25 Q. Anything more?

Page 6

1 A. Not that I recall.
 2 Q. And who was they, when you said they talked about it?
 3 A. The lady at the seminar.
 4 Q. Do you drink alcohol?
 5 A. I have, but I don't like regularly.
 6 Q. Does your mom know that you do?
 7 MS. MERSINO: Objection. Relevance. It's
 8 harassment.
 9 BY MS. BARTOS:
 10 Q. Does your mom know you do?
 11 A. I assume she knows I have done it before.
 12 Q. Did you recognize the -- I don't know what you want to call
 13 it, does the name Flopsy Mopsy CT sound familiar to you?
 14 A. No, ma'am.
 15 Q. Does the name Skinner City Cyclist?
 16 A. No, ma'am.
 17 Q. Have you talked about this incident on your Facebook page?
 18 A. No.
 19 Q. Have you read Facebook postings about this incident?
 20 A. Yes.
 21 Q. Who were the authors?
 22 A. There was some kids at our school and there was people on
 23 the Support Jay McDowell page that were talking about it and
 24 stuff like that, but that's about it.
 25 Q. Have you gone on Mr. McDowell's Facebook page?

Page 7

1 A. The Support Jay McDowell, yes.
 2 Q. Do you know any of the people that posted on there?
 3 A. Can you rephrase that.
 4 Q. Did you know any of the people that were -- that put
 5 postings on the Support Jay McDowell page?
 6 A. Yes.
 7 Q. Who were they, to your memory?
 8 A. I know one was Zack Gode (ph) and that's about the only one
 9 I can remember.
 10 Q. Who is that, Zack Gode?
 11 A. He's in my brother's grade.
 12 Q. I'm looking at a Facebook posting, it talks about the
 13 person -- the person writing the posting was there when
 14 Dan's mom was talking to the teacher on the phone.
 15 And they say they're Skinner City College --
 16 do you know them?
 17 A. No.
 18 Q. Or Skinner City Cyclist?
 19 A. No.
 20 Q. Have you ever posted anything on your Facebook page or
 21 anybody else's Facebook page about any kids being gay?
 22 A. No, ma'am.
 23 Q. Ever talk about Catholic Central boys?
 24 A. I have.
 25 Q. Talked on your Facebook page about them being gay?

Page 8

1 A. I have joked around with them because I am friends with some
 2 of them, yes.
 3 Q. So you have put that on your Facebook page?
 4 A. Yes.
 5 Q. Do you remember taping your hands to beer bottles on --
 6 posting that on Facebook?
 7 A. That is not me actually.
 8 Q. It's not you?
 9 A. Nope.
 10 Q. Okay. Your sister's name is Devin, right?
 11 A. Yes.
 12 Q. Your mom's name is Sandy, right?
 13 A. Yes.
 14 Q. Okay.
 15 A. That's a family friend actually.
 16 Q. Daniel is your brother, right?
 17 A. Yes.
 18 Q. Has any Howell school administrator spoken to you poorly or
 19 treated you poorly since this happened?
 20 A. Not that I recall, no.
 21 Q. Have you ever tried to -- well, strike that.
 22 Have you ever made a comment about your
 23 religion in your class?
 24 A. Not that I recall.
 25 Q. Have you ever been told you cannot make a comment about your

2 (Pages 5 to 8)

Page 9

1 religion?
 2 A. No.
 3 Q. Have you ever had Mr. McDowell as a teacher?
 4 A. No, ma'am.
 5 Q. Do you remember any teachers wearing the purple shirts, the
 6 Tyler's army shirts?
 7 A. Yes.
 8 Q. Did you ask them what they were about?
 9 A. No.
 10 Q. Did they ever tell you what they were about?
 11 A. No.
 12 Q. Have you ever gotten disciplined or spoken to, even spoken
 13 to by a teacher or administrator regarding any comments you
 14 have made in class?
 15 A. Not that I recall.
 16 Q. Did you ask to be part of this lawsuit?
 17 A. I didn't ask to be part of it, no.
 18 Q. Did your mom ask you if you wanted to be part of it?
 19 A. Yes.
 20 Q. What did you say?
 21 A. Yes.
 22 Q. Why did you want to -- what was your goal in filing this
 23 lawsuit?
 24 A. That other students or me would not be punished for speaking
 25 my beliefs in class.

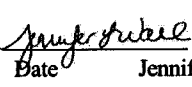
Page 10

1 Q. Do you know of any other -- or any students that have been
 2 punished for speaking their beliefs in class?
 3 A. No.
 4 Q. Did you know of any students that had been punished for
 5 speaking their beliefs before this happened?
 6 A. No.
 7 MS. BARTOS: Okay. That's all.
 8 EXAMINATION
 9 BY MR. HENLEY:
 10 Q. Drake, my name is Roy Henley. I represent the Howell Public
 11 Schools in this case. I have some questions for you.
 12 You're in eleventh grade now?
 13 A. Yes.
 14 Q. Do you have any plans for after graduation yet?
 15 A. Going to college.
 16 Q. Do you know where you want to go to college?
 17 A. No.
 18 Q. Do you have any idea what you want to study in college?
 19 A. Culinary arts.
 20 Q. You take part of any extracurricular activities at school
 21 now?
 22 A. Sports.
 23 Q. What sports?
 24 A. I do track and then I did wrestling last year.
 25 Q. Did you go to catechism, too, like your brother?

Page 11

1 A. Yes.
 2 Q. And do you have any views regarding homosexuality?
 3 A. I have the same beliefs as him.
 4 Q. As Dan?
 5 A. Yes.
 6 Q. Before October 2010, was anything regarding homosexuality
 7 ever discussed in school?
 8 A. Not that I recall, no.
 9 Q. Since then, as far as you're concerned, was any issue
 10 regarding homosexuality ever discussed in school?
 11 A. No.
 12 Q. Is there anything at school that you wanted to do but didn't
 13 do because of what happened to Dan?
 14 A. Not that I recall.
 15 Q. Is there anything that you wanted to say at school but
 16 didn't say because of what happened to Dan?
 17 A. Not that I recall.
 18 MR. HENLEY: I don't think I have any other
 19 questions.
 20 MS. BARTOS: No, nothing.
 21 MS. MERSINO: Reserve the right to review
 22 and sign. No questions.
 23 (The deposition was adjourned at 4:20 p.m.)
 24 *** **
 25

Page 12

1 STATE OF MICHIGAN)
 2) ss.
 3 COUNTY OF OAKLAND)
 4 I, Jennifer L. Wall, Notary Public within and for the
 5 County of Oakland, State of Michigan, do hereby certify that the
 6 witness whose attached deposition was taken before me in the
 7 above entitled matter was by me duly sworn at the aforementioned
 8 time and place; that the testimony given by said witness was
 9 stenographically recorded in the presence of said witness and
 10 afterward transcribed by computer under my personal supervision,
 11 and that the said deposition is a full, true and correct
 12 transcript of the testimony given by the witness.
 13 I further certify that I am not connected by blood or
 14 marriage with any of the parties or their attorneys, and that I
 15 am not an employee of either of them, nor financially interested
 16 in the action.
 17 IN WITNESS THEREOF, I have hereunto set my hand at the
 18 City of Walled Lake, County of Oakland, State of Michigan.
 19
 20
 21 
 Date _____
 Jennifer L. Wall, Notary Public
 Oakland County, Michigan
 My Commission Expires 11/12/15
 22
 23
 24
 25

3 (Pages 9 to 12)

Luzod Reporting Service Inc. 313-962-1176

Electronically signed by Jennifer Wall (201-178-308-8553)

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